

REMARKS

Upon entry of this Reply, claims 22, 31, 32, 34, 35, and 38 will remain in this application. Reconsideration of the application is requested.

Reconsideration of the obviousness-type double patenting rejections set forth on pages 2-4 of the Office Action is requested. The Kim publication relied on by the Examiner fails to suggest modifying the heat transfer device defined by either claim 1 or claim 2 of the Damsohn et al. patent relied on such that it is manufactured by a method comprising the providing, arranging, and attaching steps particularly defined by independent claim 22. Claim 22 as it now appears in the application, for example, reflects that the manufacturing method specified includes providing the rectangular tubes with spacing elements facing respective adjacent rectangular tubes and arranged in a flow direction between successive pairs of lugs. No possible application of any teachings provided by the Kim publication to the device defined by either claim 1 or claim 2 of the Damsohn et al. patent would result in a manufacturing method meeting this limitation. The additional secondary references relied on in the obviousness-type double patenting rejection of claim 31 also fail to suggest modifying the device defined by claim 1 or claim 2 of the Damsohn et al. patent so as to meet the limitation referred to. The obviousness-type double patenting rejections set forth on pages 2-4 of the Office Action should be withdrawn.

Reconsideration of the rejections under 35 U.S.C. §103(a) set forth on pages 4-7 of the Office Action is also requested. Again, claim 22 as it presently appears in this application

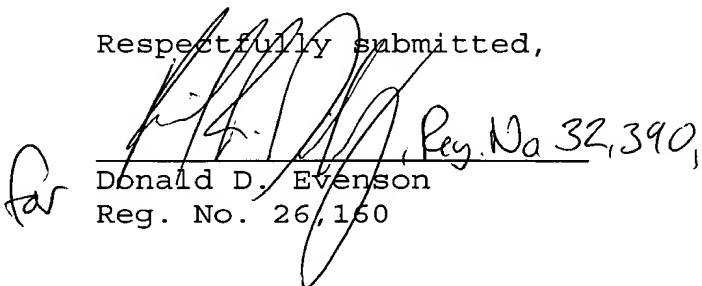
defines a manufacturing method including providing rectangular tubes with spacing elements facing respective adjacent rectangular tubes and arranged in the flow direction between successive pairs of lugs. The provision of spacing elements arranged as claim 22 now defines is not disclosed by any of the documents relied on by the Examiner. It follows that, taken as a whole, neither set of four references relied on by the Examiner to reject claim 22 can be considered to suggest a manufacturing method including, in addition to others, the operation of providing rectangular tubes with spacing elements arranged as claim 22 particularly defines.

Independent claim 22 is patentable for reasons discussed above. Dependent claims 31, 32, 34, 35, and 38 are patentable as well.

This application is now in condition for allowance. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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